

REMARKS

I. Introduction

With the cancellation herein without prejudice of claim 32, claims 28, 29, and 31 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Rejection of Claim 32 Under 35 U.S.C. § 112

Claim 32 was rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite. Claim 32 has been canceled herein without prejudice, rendering moot the present objection with respect to claim 30. In view of the foregoing, it is respectfully submitted that the present rejection has been obviated, and withdrawal of this rejection is therefore respectfully requested.

III. Rejection of Claims 28, 29, 31, and 32 Under 35 U.S.C. § 103(a)

Claims 28 to 32 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of WO 01/90577 ("Van Lintel et al.") and U.S. Patent Application Publication No. 2002/0121529 ("Hoummady"). It is respectfully submitted that the combination of Van Lintel et al. and Hoummady does not render unpatentable these claims for at least the following reasons.

As an initial matter, claim 32 has been canceled herein without prejudice thereby rendering moot the present rejection with respect to claim 32. Withdrawal of this rejection with respect to claim 32 is therefore respectfully requested.

Claim 28 has been amended herein without prejudice to recite, *inter alia*, that the micropump includes a first stop etch layer, a functional layer, a second stop etch layer, and that the first and second stop etch layers are positioned at opposite sides of the functional layer. Support for this amendment may be found, for example, in Figs. 2B to 2H.

Van Lintel et al. do not disclose, or even suggest, two stop etch layers, and that the two stop etch layers are positioned at opposite sides of the functional layer. Van Lintel et al. describe a micropump (500) forming a fluid-flow assembly integrating a glass closure wafer (20), a silicon layer (32), a pump chamber (504),

and a silicon support wafer (36). Nowhere, does Van Lintel et al. disclose two stop etch layers, and that the two stop etch layers are positioned at opposite sides of the functional layer.

Hoummady does not cure these deficiencies. Hoummady describe a dispensing system consisting of a substrate (2) covered by a membrane (3) and of means for deforming (65) the membrane, and cavities that appear in the shape of wells (10) crossing the substrate with lateral, continuous walls (11) of axial symmetry. Nowhere, does Hoummady disclose two stop etch layers, and that the two stop etch layers are positioned at opposite sides of the functional layer.

As such, it is respectfully submitted that the combination of Van Lintel et al. and Hoummady does not disclose, or even suggest, all of the features included in claim 28. Consequently, it is respectfully submitted that the combination of Van Lintel et al. and Hoummady does not render unpatentable claim 28, or claims 29 and 31, which depend from claim 28.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

IV. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

/Clifford A. Ulrich/

Dated: October 30, 2009

By Clifford A. Ulrich (Reg. No. 42,194) for:

Gerard A. Messina (Reg. No. 35,952)

One Broadway

KENYON & KENYON LLP

New York, NY 10004

(212) 425-7200

CUSTOMER NO. 26646